

***Remarks***

In the Office Action, the Examiner noted that claims 1-8 and 10-31 are rejected. By this amendment, claim 1 has been amended. Thus, claims 1-8 and 10-31 are pending in the application and are presented for reconsideration. These changes are believed not to introduce new matter and their entry is respectfully requested. The Examiner's rejections are traversed below.

***Drawings***

The Examiner has objected to the drawings in that they fail to comply with 37 CFR 1.84(p)(5) because they do not include the reference to "PSB unit 700" as mentioned in the description and they include the references "704" and "706" that also are not mentioned in the description.

In response thereto, Applicant has amended FIG. 7 by dividing it into two virtually identical drawings, FIG. 7A and FIG. 7B, wherein FIG. 7A has a reference to element 708 and FIG. 7B has a reference to element 709. Both figures include the reference "700." Applicant also has amended the description to include a reference to elements "704" and "706." These changes are believed not to introduce new matter and their entry is respectfully requested.

Accordingly, Applicant respectfully contends that it has rendered the Examiner's objection moot, thereby placing the drawings in proper condition for allowance.

***Specification***

The Examiner has objected to the specification because the element "708" references a weight sensor as well as a heater. In response thereto, Applicant has amended the drawings by including FIG. 7B which references a heater 709, wherein the weight sensor 708 is referenced on FIG. 7A. This change is further made in the specification, thereby distinguishing the weight sensor 708 from a heater 709. These changes are believed not to introduce new matter and their entry is respectfully requested.

Accordingly, Applicant respectfully contends that it has rendered the Examiner's objection

moot, thereby placing the specification in proper condition for allowance.

***Rejection under 35 U.S.C. § 102(b)***

Claims 1-4 stand rejected under 35 U.S.C. §102(b) as anticipated by *Johansson* (WO 91/19856), wherein the Examiner contends that every feature of the invention as set forth in claims 1-4 is disclosed in the *Johansson* device.

*Johansson* relates to a speed restriction device constructed from a number of interconnected profile bodies 1 (*Johansson*, page 2, line 27). Each profile body 1 consists of a piece 2 of arched sheet metal which is mounted in two elongate feet 3 and 4 (*Johansson*, page 2, lines 28-29). The profile bodies 1 are hingedly interconnected by means of chain links 10 which are screwed into the end walls 8 with the aid of threaded bolts 11 and nuts 12 (*Johansson*, page 3, lines 1-3; page 5, line 5). The road vehicle restriction device is comparatively light and may easily be lifted by one or a couple of workers and be transported to the next road section (*Johansson*, page 3, lines 33-35).

The purpose of the *Johansson* device is to ensure that a driver passing the device at too high of a speed is made aware that he must slow down immediately. The device accomplishes this function by having each body of the device made of an arched sheet of metal such that upon being impacted by a passing vehicle, the sheet of metal decompresses and makes a “heavy sound bang.” (*Johansson*, page 2, line 11). It is this combination of a “thump and the sound of a heavy blow” that immediately notifies the driver that he must reduce his speed. (*Johansson*, page 3, lines 19-22).

Applicant respectfully submits that claims 1-4 are not anticipated by *Johansson*. With respect to independent claim 1, Applicant respectfully submits that the subject matter claimed therein patentably distinguishes over *Johansson*. Specifically, claim 1 as amended recites “a means for pivotally interconnecting said plurality of speed bump cells, *wherein said portable speed bump unit is stored by rolling up said plurality of speed bump cells and is deployed by unrolling said plurality of speed bump cells.*” In contrast, *Johansson* teaches a portable device with profile bodies hingedly connected that can easily be lifted by one or a couple of workers for transport to the next road section where the device is to be used. The ability to easily lift the portable device is attributed to its comparatively light construction (due to its sheet metal construction), and not to an ability to be rolled up and conveniently transported. There is no mention of the portable device of *Johansson*

being stored by rolling up the profile bodies and being deployed by unrolling the profile bodies.

Applicant also submits that claims 1-4, as amended, are not anticipated by *Johansson* because the plurality of speed bump cells in Applicant's invention are capable of supporting the weight of a vehicle passing over the top of the cells. *Johansson* teaches away from Applicant's invention in that *Johansson* only teaches a device that collapses upon impact of a vehicle in order to make a large "bang" noise to alert the driver of the vehicle to slow down. In contrast, Applicant's device does not collapse upon impact with a vehicle and does not make a loud "bang" sound to alert the driver of the need to reduce his speed.

As discussed above, *Johansson* does not teach or suggest a portable speed bump unit that is stored by rolling up the plurality of speed bump cells, is deployed by unrolling the plurality of speed bump cells, and is capable of supporting the weight of a passing vehicle. As stated by the Federal Circuit:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged as in the claim.

*Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed.Cir. 1984). This, the Examiner has not done. Therefore, Applicant respectfully submits that amended claim 1 patentably distinguishes over *Johansson*. Withdrawal of this rejection is respectfully requested.

Claims 2-4 depend, directly or indirectly, from independent claim 1. Therefore, claims 2-4 include the claim element of "a means for pivotally interconnecting said plurality of speed bump cells, wherein said portable speed bump unit is stored by rolling up said plurality of speed bump cells and is deployed by unrolling said plurality of speed bump cells," as well as the claim element of being "capable of supporting the weight of the vehicle." As previously discussed, *Johansson* does not teach or suggest either of these claim elements. Therefore, Applicant respectfully submits that claims 2-4 patentably distinguish over *Johansson*. Withdrawal of the rejection of these claims is respectfully requested.

***Rejection under 35 U.S.C. §103(a)***

Claims 5-8 and 10-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson*, either alone or in combination with various other patents. Specifically, Claims 5-8 and 21-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson*. Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson* in view of *Jensen*. Claims 11-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson* in view of *Alghunaim*. Claims 14, 15, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson* in view of *Chen*. Claims 16 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson* in view of *Gibson*. Claims 17 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson* in view of *Inaba*. Claims 18-20, 29, and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson* in view of *Griswold*. Claims 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson* in view of *Pricone*. Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson* in view of *Narron*. Claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Johansson* in view of *Griswold*, and further in view of *Gibson*.

It is well established in the patent law "that allowance of a parent or base claim as patentable normally results in allowance of a claim dependent upon that claim." See DONALD S. CHISUM, CHISUM ON PATENTS § 7.04[2]; *U.S. v. Teletronics, Inc.*, 658 F. Supp. 579, 591, 3 USPQ2d 1571, 1580 (D. Colo. 1987), *aff'd in part and rev'd in part*, 857 F.2d 778, 8 USPQ2d 1217 (Fed. Cir. 1988), *cert. denied*, 109 S. Ct. 1954 (1989) ("Since it would not have been obvious to have made the invention defined in claim 1, ... it would not have been obvious to make the inventions defined in dependent claims 3, 4 and 5."); *In re Fine*, 837 F.2d 1071, 1076, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) ("Dependent claims are nonobvious under section 103 if the independent claims from which they depend are nonobvious.").

Accordingly, Applicant respectfully asserts that independent claim 1 is patentably distinguished over *Johansson*, as discussed above, and is in proper condition for allowance. Therefore, all of the claims depending from independent claim 1 are patentably distinct over the cited references. Based on the foregoing, Applicant respectfully submits that claims 5-8 and 10-31 are nonobvious. Applicant respectfully contends that it has rendered the Examiner's rejection moot,

thereby placing dependent claims 5-8 and 10-31 in proper condition for allowance.

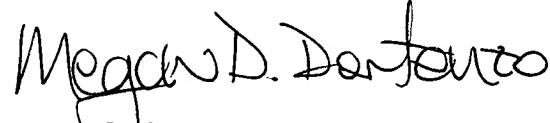
### *Conclusion*

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

STEPTOE & JOHNSON PLLC



Megan D. Dortenzo  
Attorney for Applicant  
Registration No. 39,172

Date: 8-1-01  
Bank One Center  
P.O. Box 2190  
Clarksburg, WV 26302  
(304) 624-8000